

***REVISED* STAFF REPORT**

DATE: May 25, 2022

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T22SA00162

C10-22-02 WHITE AND TREADWAY LOT LINE ADJUSTMENT / GLENN WHITE AND MONA TREADWAY / 86 WEST SIMPSON STREET / HO-3

The applicants' property is an approximately 4,715 square-foot lot zoned HO-3, an "Office" zoning classification, and is developed with a single-family residence. The applicant is proposing to reposition the lot line between 86 and 92 W Simpson Street to provide parking for 92 W Simpson Street and create a reduced lot size and reduced building setback at the west lot line to the residence of 86 W Simpson Street.

THE APPLICANT'S REQUEST TO THE BOARD

The applicants are requesting the following variances:

- 1) Allow the lot area for 86 West Simpson Street to be reduced from the required minimum of 5,000 square feet to approximately 3,379.5 square feet, and
- 2) Allow the building perimeter yard setback for 86 West Simpson Street to be reduced from 10' to 4' as measured to the repositioned west lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.15 *Office Zone (O-3)* and Table 4.8-3 *Permitted Uses – Office Zones* which provide the use criteria in the zone; and

Table 6.3-3.A *Dimensional Standards for the O-1, O-2, and O-3 Zones*, which provides the minimum lot size requirements for residential development.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED HO-3; (single-family residential)

North: Zoned HO-3; (multi-family residential)

South: Zoned HO-3; (single-family residential)

East: Zoned HO-3; (multi-family residential)

West: Zoned HO-3; (office and multi-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection or adverse comments.

Historic

The City Historic Preservation Officer noted that lot line adjustments and lot splits are not typically reviewed by their division, but that the proposal is consistent with lot sizes and setbacks found throughout the Barrio Viejo neighborhood.

RELATED CASES

Case # C10-10-07 - This was a lot split proposal for a property located on 17th Street in Barrio Historico. On June 30, 2010, the requested variances for a reduced minimum lot size and reduced building setbacks for the existing dwelling and studio units were approved.

Case # C10-10-14 – This was a lot split proposal for a property located on 16th Street in Armory Park. On September 29, 2010, the requested variances for a reduced minimum lot size, reduced building setbacks for the existing dwelling, and an increase in density were approved.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

Minimum Lot Size

Per *UDC* Table 6.3-3.A, the minimum lot size requirement for a single-family residence in the O-3 zone is 5,000 square feet. The applicant is requesting a variance to allow a lot line adjustment that will result in a 3,379.5 square foot lot for a single-family residential use.

Perimeter Yard Setback

Per *UDC* Table 6.3-3.A, the minimum side perimeter yard setback for a single-family residence in the O-3 zone is the greater of 10' or $\frac{3}{4}$ the height of the building wall facing an interior lot line. The applicant is proposing a 4' building setback as measured to the repositioned west lot line.

Discussion

This property is located within the boundaries of Barrio Historico District (HPZ Overlay Zone) and is zoned HO-3. The "H" signifying its inclusion in the HPZ. Barrio Historico is one of the oldest neighborhoods in Tucson. It was developed over time, and prior to implementation of zoning regulations establishing minimum or uniform lot sizes and building setbacks. This neighborhood is characterized by lots of varying sizes, many of which do not meet current standards for minimum lot size. The subject property is located near several properties that are undersized and contributing to the district. 86 West Simpson Street is just under 5,000 square feet in size.

The majority of the lots in the area are narrow and deep and conducive to the architectural style in the neighborhood. The proposed lot line adjustment will have no impact on the historic streetscape in the neighborhood. The purpose of the lot line adjustment is to create a space for storage and vehicle parking on-site for 92 West Simpson Street. This will help alleviate some of the congestion on Simpson Street.

The interior setback proposed for 86 West Simpson Street is consistent with the pattern of development in this neighborhood. Applying *UDC* regulations for lot area and setbacks applicable to general O-3 zones would result in a site that is out of character with established development patterns within this historic district.

Conclusion

Given that there have been similar reduced lot size requests in the area approved by the Board of Adjustment and that the proposed reduced lot size and building setback is not out of character with other development in this historic neighborhood; and that the project will not be detrimental to public welfare; staff can support the applicants' requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated January 20, 2022, and the summary of the virtual meeting dated February 14, 2022.

See the attached neighborhood meeting summary dated May 5, 2022 from an additional meeting held by the applicant to discuss the variance requests. This meeting was an in person meeting held at the applicants' residence.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDS staff recommends approval the applicants' requested variances.

It is the opinion of staff that granting of the variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located, will not be detrimental to the public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

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for
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